



STATE OF ILLINOIS  
**OFFICE OF THE GOVERNOR**

**Illinois River Coordinating Council Quarterly Meeting**

**Wednesday, February 17, 2010  
Bradley Bourbonnais Sportsman's Club  
Bourbonnais, Illinois  
1:30 PM**

**MINUTES**

**Call to Order and Roll Call**

Director Marc Miller, Department of Natural Resources, called the meeting to order at 1:30 PM, and welcomed members and guests. Olivia Dorothy, Department of Natural Resources, called the roll.

**Citizen Members**

Nancy Erickson, Illinois Farm Bureau; Reggie Greenwood, South Suburban Mayors and Managers Association; Daphne Mitchell; and Richard Worthen.

**State Agency Members**

Joe Bybee, Department of Agriculture; Director Marc Miller, Department of Natural Resources; Charles Perino, Department of Transportation; and Terry Weldin-Frisch, Department of Commerce and Economic Opportunity.

**Ex-Officio Members**

Lee Albright, US Fish and Wildlife Service, Illinois River Refuge; Lt. Colonel Robert Bayham, US Army Corps of Engineers, St. Louis District; Nani Bhowmik, Science Advisory Committee; Ivan Dozier, USDA Natural Resources Conservation Service; Janice Engle, US Fish and Wildlife Service, Chicago Office; Donald King, USDA Farm Service Agency; Gary Meden, US Army Corps of Engineers, Rock Island District; Charles Shea, US Army Corps of Engineers, Chicago District; Lt. Frances Smith, US Coast Guard, Sector Upper Mississippi; Christine Urban, US Environmental Protection Agency; and Doug Yeskis, US Geological Survey.

**Approval of Minutes**

Worthen moved to approve minutes from October 20, 2009 meeting in Peoria. Mitchell seconded. Minutes approved with no corrections unanimously.

**Member Comment Period**

Director Miller welcomed new members to the IRCC: Mr. Reggie Greenwood, Dr. Nani Bhowmik and US Coast Guard Sector Upper Mississippi represented today by Lt. Fran Smith.

Director Miller commented that the IRCC submitted public comment requesting all environmental, farmland loss, and ecotourism impacts be evaluated in the corridor selection. Also, the letter to the Pollution Control Board supporting the Disinfection of wastewater was mailed to IRCC members for signatures.

Director Miller announced that appointments have been made to the Mississippi River Coordinating Council and Wabash and Ohio Rivers Coordinating Council. The 2<sup>nd</sup> quarter meeting will be a joint meeting between

the three Councils on May 19, 1:30PM, at the DNR Headquarters, Springfield. The Illinois River Team will continue to work on the Comprehensive Plan for the Illinois River Basin, interfacing with the IRCC. The Science Advisory Committee, will interface with the NESP Science Panel and continue to report to the IRCC or MRCC as appropriate. Information about the councils, meeting dates and locations will be available at [www.dnr.state.il.us/ircc](http://www.dnr.state.il.us/ircc), [www.dnr.state.il.us/mrcc](http://www.dnr.state.il.us/mrcc) and [www.dnr.state.il.us/worcc](http://www.dnr.state.il.us/worcc).

Gary Meden, US Army Corps of Engineers (USACE) commented that Water Resources Development Act (WRDA) authorizes studies and projects within the Corps. It is authorized every two years and the bill should pass late 2010 or early 2011. USACE has been asked to provide projects and feasibility studies for the bill. The initial deadline was 2<sup>nd</sup> week in March. Council should be engaged in this process.

#### **Asian Carp Efforts – Marc Miller, Director, IL Department of Natural Resources**

To control Asian carp in the Illinois River watershed and prevent their spread to Lake Michigan, the Department of Natural Resources (DNR) has partnered with US Fish and Wildlife Service (USFWS), US Environmental Protection Agency (USEPA), and the USACE. The group is preparing a strategy to keep carp from reaching the Great Lakes. For more information visit [www.asiancarp.org/rapidresponse](http://www.asiancarp.org/rapidresponse).

In December, DNR put down chemical barrier while the electrical barrier was shut down. eDNA evidence indicates carp above the barrier. DNR has taken action to locate the fish by using commercial fishing nets and electrical shocking equipment.

Worthen asked if there was a market for carp. Director Miller responded some federal funding will supplement commercial harvesting and processing. There are two plants in Illinois that currently process Asian carp for food and fertilizer. In Fulton, Shafer Industries makes organic fertilizer and in Pearl, they smoke carp for export. There will be a processing plant for dietary supplements in Havana or Spring Valley.

Mitchell asked what we are doing to ensure that these businesses can be viable while eradicating the species. Director Miller responded that commercial fishing licenses allow fishing out of the any river so fisherman can travel the state to viable areas. But sustaining a commercial fishery is not a long-term solution.

Terry Kohlbus, Tri-County Regional Planning Commission, asked how to reduce invasive species downstream to protect the Illinois River. Miller responded that the President's plan includes \$78.5 million to Great Lakes Restoration Initiative to reduce carp populations in the Illinois River.

Dick Ladzinski asked how the restriction on commercial fishing above Spring Valley impedes carp removal. Director Miller responded that above Spring Valley commercial fishing is allowed on contract. There are significant game fisheries north of that point and wholesale commercial fishing is prohibited in those areas.

Steve Jaeger, Heart of Illinois Regional Port District, commented that the closure of locks in the Chicago area would result in adverse commercial impact upon transportation and distribution of goods. About \$4 million tons of cargo move annually from the Illinois River basin to the Chicago area.

#### **Chicago Fish Barrier Maintenance – Chuck Shea, U.S. Army Corps of Engineers, Chicago**

USACE feels confident the electric barriers are doing their job and are the most important line of defense. They are conducting the Great Lakes & Mississippi River Basin Feasibility Study regarding anticipated effects of flooding, bypasses and barrier weaknesses. They are so conducting a study on whether or not the locks should be closed or possibly operated at less frequent schedule.

Upon request by Worthen, Shea provided that \$20 million had been spent on the barrier thus far and the annual cost after construction to operate and maintain the 3 barriers is \$4 million/year.

Mitchell asked about long-term effects of rotenone on fish and wildlife. Director Miller explained that rotenone is a short lived toxin but additional steps were taken to protect health. Aqueous application and

detoxification were both conducted to prevent any harmful effects on wildlife and testing done beyond the control zone confirmed that. DNR may use rotenone again in targeted areas.

#### **Illinois River Restoration with Indiana – Gary Meden, U.S. Army Corps of Engineers, Rock Island**

The Yellow River, Section 519 of the Water Resources Development Act of 2000, is a Critical Restoration Project. A Preliminary Reconnaissance Report was completed in 2007. An alternative for feasibility was identified that would restore about 181-acres through channel remeandering, establishment of woody debris and riparian zones to achieve more of a natural riverine form for the main stem of the Yellow River. Associated wetlands and native plant communities would be restored as well. A Project Management Plan and Draft Feasibility Cost Sharing Agreement have been prepared. Detroit District has the lead with support from Chicago. Funding to execute the Feasibility cost Sharing Agreement is an issue for the Indiana Department of Natural Resources. Securing additional sponsors for the Section 519 program is important and the Corps is committed to making Section 519 funds available to move forward with the State of Indiana.

#### **Status of the Kankakee Stateline 206 Project – Gary Meden, U.S. Army Corps of Engineers, Rock Island**

The Kankakee Stateline, Section 206 of the Environmental Continuing Authorities Program, focuses on floodplain wetland restoration adjacent to the Kankakee River near the Illinois-Indiana Stateline. The feasibility phase is sponsored by the State of Illinois and the construction phase will be co-sponsored by the Kankakee River Basin Partnership and the State. A tentatively selected plan has been chosen but two issues need to be resolved before completing the feasibility study. The Kankakee River Conservancy District, who owns the necessary property, needs to be indemnified by the State. This needs to be resolved between the State and the Partnership before feasibility study can be completed. Second, a decision will need to be made between the co-sponsors on who will perform Operations and Maintenance of the project once constructed. Rock Island District has the money to complete the Feasibility Study for Stateline 206. It will take about a year to finalize the report, get approval by Corps Headquarters, and execute a Partnership Project Agreement. A meeting is being scheduled for the March/April timeframe.

Meden also discussed the Kankakee River Riffle project in Wilmington. Project will restore the riffle pool side channel habitat, increase suitable mussel habitats, increase submerged and aquatic vegetation and reduce sedimentation in the pool and side channel areas. This project is being coordinated between the Chicago District and City of Wilmington. The Corps would like approval for the fish passage to be allowed in the project near the Wilmington dam area. This issue will be discussed at coordination meeting between Chicago District, Rock Island District, DNR and the City of Wilmington in next few weeks.

#### **Kankakee River Basin Conservation Opportunities – Debbie Bruce, Dept of Natural Resources; Don King, USDA Farm Service Agency; and Ivan Dozier, USDA Natural Resource Conservation Service**

Bruce announced that the Conservation Reserve Enhancement Program (CREP) will reopen this spring or early summer. The Governor's 2010 Capitol budget contains \$45 million for the next three years for the remaining 105,000 acres. CREP has been popular since 1998 and Illinois has closed several times due to inadequate state funding. The program enhances the Conservation Reserve Program and is implemented by eight federal and state agencies and local Soil and Water Conservation Districts to restore floodplains, wetlands and sediment control areas. DNR is in the process of amending the program and expanding it to the Kaskaskia River Basin.

Sign up will begin as soon as the amend document it is approved by Federal Farm Service Agency, which may be in April. King added that the timeline will depend on the type of environment reviews needed for opening the Kaskaskia River Watershed. The sign up announcement should be timely.

Dozier explained the Cooperative Conservation Partnership Initiative (CCPI) Opportunities offered through NRCS is an opportunity for local planning groups to submit proposals that target Environmental Qualities Incentives Program, Wildlife Habitat Incentives Program and Conservation Securities Program funds to address specific resource concerns in the watershed. Plans should identify the resource concerns and demonstrates an interest by the local landowners. The proposal must also identify partners who are willing

to provide additional resources in the form of financial support, technical assistance, administrative assistance, monitoring or outreach, in any combination or all of the above.

In CCPI, federal program dollars are obligated through regular program contract directly with eligible participants. The watershed groups customize the ranking criteria and sign-up periods for their project area. A cooperative agreement is developed which outlines the objectives and formalizes the contribution(s) of the partner(s). A request for proposals establishes deadlines each fiscal year. The State Conservationist can direct up to 6% of the normal state program allocation and has the responsibility to select in-state proposals in consultation with the State Technical Committee. Multi-state proposals are reviewed by the respective State Conservationists and the Chief of NRCS makes the final selection.

### **Vermilion River Closure – Bob Mool, Dept of Natural Resources**

In the summer of 2009, two separate rafting incidents occurred at the dam resulting in one death. In response to those incidents, Lone Star Industries (LSI) closed the portion of the Vermilion River located exclusively on their property where the river is not considered public water.

On public waters, navigation and fishing is allowed. By the Rivers Lakes and Streams Act, DNR's Office of Water Resources is the entity that determines which waters are public via administrative rule. Partial determination of public water designation was based on the historic commercial navigability test. There was no evidence of commercial navigation above this point on the Vermilion River. Under rules, petitions can be submitted to DNR to add waters to list and DNR has received such a petition for this section of the Vermilion.

DNR acknowledges this river is an important resource and wishes to have the river opened for public access. LSI has also taken a position that they would like to grant access if certain safety issues can be addressed. Rep. Frank Mautino has introduced legislation (HB5296) to designate the Vermilion as a public waterway. DNR is taking the lead on three issues to reopen the river: 1. Working with LSI to negotiate a lease under the recreational use of lease of lands act. This would allow public access on private land by allowing the private land owner limited liability through this lease; 2. Working with LSI to design and install a short term project that will address safety concerns at the dam temporarily and then we will deal with the safety issues as a long term project; 3. Develop a management plan for the area keeping public safety in mind. Representative Mautino has agreed to hold his legislation as long as DNR is negotiating with the Company.

Worthen commented that the definition of private and public ownership needs to be clarified. If landowner owns a portion, they should be responsible to keep it clean. It is a public resource not a private resource.

Pam Skoporc, Better Fishing Association of Northern Illinois, commented that the river must be declared public because it is not wholly contained on anyone's land.

Tom Wall, Better Fishing Association of Northern Illinois, asked that the Governor take the lead on this important effort. The public has the right to this resource.

### **Kankakee River Roundtable – Mike VanMill, Kankakee Economic Alliance**

The Economic Alliance of Kankakee County and the Kankakee County Community Foundation partnered to bring together a broad base group of people throughout Kankakee County to develop a community strategy for the Kankakee River. The starting point for this grass roots approach is that "everyone, at one time or another has stated that the Kankakee River is our community's biggest asset." We want to take this statement and challenge our community to define what this really means.

We decided in December to invite various interests including environmental, agricultural, property owners, developers, elected officials, municipalities, economic development to the table to discuss this project. We've had two meetings with between 40-50 people in attendance. The meetings resulted in resounding support to move forward with this project. Based upon feedback from these various interests, we have divided the larger group into four working groups: Environmental Sustainability & Agriculture, Public

Education & Outreach, Community & Economic Development, and Recreation & Tourism. These groups are currently meeting to develop a SWOT analysis and formulate an action plan in their areas of interest.

### **Other Business**

Director Miller announced that the Mississippi River Coordinating Council and Wabash and Ohio Rivers Coordinating Council are established. There will be a joint meeting with IRCC May 19<sup>th</sup>, 1:30 PM, in Springfield at DNR headquarters. The MRCC will hold its first quarter meeting March 24, 1:30 PM at Hampton Heritage Center in Hampton.

Debbie Bruce discussed the funding shortfalls in the President's Proposed FY2011 Civil Works Budget for the U.S. Army Corps of Engineers. The recommended funding for Illinois River Basin Restoration Program (Section 519 WRDA 2000; Section 5071 WRDA 2007) is \$400,000 for General Investigation, Environmental Management Program (EMP) (Section 509, WRDA 1999) is \$21.2 million, and Upper Mississippi River-Illinois Waterway Navigation and Environmental Sustainability program (NESP) did not receive an appropriation.

Mitchell moved to submit a letter to the Congressional delegation for increased funding of IL River 519 projects. Worthen seconded. Motion passed unanimously.

### **Public Comment Period**

Bob Herpst, Vermilion River Rafting, explained the accidents leading to the closure of the Vermilion River. The first incident involved people from India. This family was informed of the danger of the dam through a translator but they may not have understood completely. He believed alcohol was involved in the second incident. Many people and clubs have used this river safely for years. Overall, he feels he conducts a very safe business and has for years and also his business provides needed economy for the area.

Dick Ladzinski commented that water belongs to the people of Illinois in this case, not the landowner. LSI is stopping this company from pursuing his livelihood and providing the area with needed economy. He is concerned that every land owner along the Vermilion is going to stop access to the river for recreation. This dam is a low head dam and they are dangerous. If the company is so concerned about liability they should be responsible for improving/modifying the dam at their expense.

Ed Millady, Sportsman's Letters, would like to see IDNR meet with Indiana DNR to get the US Fish & Wildlife Refuge in place. Federal funding may be available that could address several critical issues that pertain to the Kankakee River. He asked if the 206 Stateline project would be presented to the public. Meden responded that there are two issues to be resolved before they can complete the study and offer the public comment period, indemnification and who is going to perform operation and maintenance.

Mike Wojner, Lake County, suggests looking into a statutory change for water law in Illinois. Wisconsin has a completely different set of rules but they seem to mirror much of what has been discussed today.

Mike Wojner also commented that Lake County and several in collar counties have a stormwater regulatory preservation program. Through the program hundreds possibly thousands of acres of wetland could be preserved on a county by county basis across the state.

Worthen motioned to adjourn. Erickson seconded. Meeting adjourned at 3:50 PM.